

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claims 1-10, 13-15 and 17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,968,056 to Chu (hereinafter "Chu"). Additionally, the Examiner rejects claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Chu in view of U.S. Patent No. 6,068,603 to Suzuki (hereinafter "Suzuki") and U.S. Patent No. 6,517,539 to Smith (hereinafter "Smith"). Lastly, the Examiner rejects claims 12 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Smith.

With regard to claims 12 and 16, the same have been canceled, thereby rendering the rejection thereof moot.

With regard to claims 1-11 and 13-17, independent claims 1 and 17 have been amended to clarify their distinguishing features. Specifically, claim 1 has been amended to recite:

"a snare wire having a loop portion at a distal end portion of the snare wire;

a substantially cylindrical cap including a cylindrical wall, and a holding mechanism configured to hold the loop portion of the snare wire in an inner portion of the cylindrical wall such that all portions of the loop portion are held interior of the cylindrical wall; and

an attachment portion which attaches the cap to an end portion of the endoscope,

wherein the holding mechanism has a plurality of engagement pieces and a plurality of corresponding portions which hold the distal end portion of the snare wire between the engagement piece and the corresponding portion, said plurality of engagement pieces being inwardly protruding from the cylindrical wall and being respectively distanced from each other in a circumferential direction of the circular end portion such that the loop portion is disengaged from the holding mechanism in a radially inward direction."

Claim 17 has been amended to recite:

a snare wire having a loop portion at a distal end portion of the snare wire;

a substantially cylindrical cap having a circular end portion including a holding mechanism configured to hold the loop portion of the snare wire such that all portions of the loop portion are held interior of the circular end portion; and

an attachment portion which attaches the cap to an end portion of an endoscope,

wherein the holding mechanism has a plurality of engagement portions which are provided along the circular end portion of the cap and distanced from each other in a circumferential direction, and each engagement portion has an engagement piece and a corresponding portion configured to hold the looped distal end portion of the snare wire in an elastic manner therebetween so that the looped distal end portion is positioned to be parallel to the circular distal end portion along a circular inner surface of the cylindrical cap such that the loop portion is disengaged from the holding mechanism in a radially inward direction.

The amendment to claims 1 and 17 are fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to independent claims 1 and 17.

In the Official Action, the Examiner considers a portion “adjacent to 90, 68a-c, 68a’-c” of Chu as corresponding to the engagement piece recited in claims 1 and 17 and a portion “in between 68a-c and 90, 90 and 68a’-c” as corresponding to the corresponding portion recited in claims 1 and 17.

However, Applicants respectfully submit that the catch 90 and the notch 68a-c of Chu merely guide the distal end portion of the snare wire but do not hold it. In the device of Chu, the distal end portion of the snare wire is held by another member, such as a bridge band 60a, not the catch 90 and the notch 68a-c. Furthermore, the engagement piece recited in claims 1 and 17 inwardly protrude from the cylindrical wall. In the device of Chu, it is only the arc-shaped flange having snare ports 85a-c that inwardly protrudes from the cylindrical

wall. However, it is clear that the distal end portion of the snare wire is not held between the flange and the catch 90 or the notch 68a-c.

The device of Chu is also not capable of achieving the advantages of the mucosa excising devices recited in claims 1 and 17. In this regard, Chu merely discloses a structure in which the notches 68a to 68c to 68a' to 68c' formed in the face of the distal end 10 allow passage of the snare wire from the inside to the outside of the distal end or in the opposite direction. With this structure, to remove the snare wire from the distal end 10, the part of the snare wire passing through the notch must be moved forward. In other words, even if the looped snare wire portion is pulled inward in a radial direction, it cannot be removed from the distal end 10. In Chu, the ligating bands 60a to 60c are used to move the snare wire forward. Further, the looped snare wire portion cannot be immovably fixed to the distal end 10 only by passing the snare wire through the notches.

Thus, although claims 1 and 17 patentably distinguish over the Chu reference for at least the reasons set forth above, the same have been amended to advance prosecution and to further clarify such distinctions.

A feature of the mucosa excising devices of claims 1 and 17 is that the holding mechanism is configured to hold the snare wire entirely interior to the cylindrical wall of the cap and the holding mechanism is further configured such that the loop portion is disengaged from the holding mechanism in a radially inward direction. Chu simply does not disclose or suggest such features. As discussed above, the snare wire of Chu is not held interiorly of the cap and cannot be disengaged in a radially inward direction.

With regard to the rejection of claims 1-10, 13-15 and 17 under 35 U.S.C. § 103(a), independent claims 1 and 17 are not rendered obvious by the cited references because

the Chu patent, whether taken alone or in combination with the knowledge of those of ordinary skill in the art, does not teach or suggest a mucosa excising device having the features discussed above and recited in independent claims 1 and 17. Accordingly, claims 1 and 17 patentably distinguish over the prior art and are allowable. Claims 2-10 and 13-15, being dependent upon claim 1, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-10, 13-15 and 17 under 35 U.S.C. § 103(a).

With regard to the rejection of claim 11 under 35 U.S.C. § 103(a), since independent claim 1 patentably distinguishes over the prior art and is allowable, claim 11 is at least allowable therewith because it depends from an allowable base claim. Consequently, the Examiner is respectfully requested to withdraw the rejection of claim 11 under 35 U.S.C. § 103(a).

With regard to the rejection of claim 11 under 35 U.S.C. § 103(a), as discussed above, the same have been canceled, thereby rendering the rejection thereof moot. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 12 and 16 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicant's attorneys would be advantageous to the disposition of this case,
the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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